



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

NOV - 3 2016

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply To: OCE-101

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Notice of Violation

The Honorable Bill Weems
Mayor, City of Plummer
P.O. Box B
Plummer, Idaho 83851

Re: City of Plummer Wastewater Treatment Facility
NPDES Permit Number ID-002278-1

Dear Mayor Weems:

On May 15, 2012, the U.S. Environmental Protection Agency (EPA) issued a National Pollutant Discharge Elimination System (NPDES) permit to the City of Plummer ("City") for its wastewater reclamation facility ("Facility"), NPDES Permit Number ID-002585-2 ("Permit"). The Permit became effective on July 1, 2012, and will expire on June 30, 2017. The Facility is located on Coeur d'Alene Tribal Land. The purpose of this letter is to notify you of violations EPA discovered upon review of administrative files, and in response to the inspection of the Facility conducted on March 3, 2016, by Idaho Department of Environmental Quality (IDEQ) on behalf of EPA. The purpose of the inspection was to determine the Facility's compliance with the requirements of the Clean Water Act (CWA) and the NPDES Permit. I would like to express my appreciation for your staff's time and cooperation during the inspection.

ADMINISTRATIVE FILE REVIEW

1. Part I.C of the Permit states, in part, "The permittee must conduct surface water monitoring. Surface water monitoring must start by June 1st, 2013, and continue for as long as the permit remains in effect."

Part I.C.6 of the Permit states, in part, "Surface water monitoring results must be submitted to EPA and the Coeur d'Alene Tribe annually with the December DMR, which must be postmarked by January 10th."

Upon review of administrative files from October 2011, through September 2016, EPA discovered that the Surface Water Monitoring Report for 2013, due by January 10, 2014, was not received until October 27, 2014. EPA never received the 2014 report, due January 10, 2015, or the 2015 report, due by January 10, 2016. These are violations of Part I.C.6 of the Permit.

2. Part II.A of the Permit states, in part, "... the permittee must provide written notice to EPA and the Coeur d'Alene Tribe that an operations and maintenance plan for the current wastewater treatment facility has been developed and implemented. The plan shall be retained on site and made available on request to EPA and the Coeur d'Alene Tribe. Any changes occurring in the operation of the plant shall be reflected within the Operation and Maintenance plan."

Upon review of administrative files from October 2011, through September 2016, EPA discovered that the Facility did not submit the Emergency Response and Notification Plan Certification. The certification was due December 13, 2012. Failure to submit the certification is a violation of Part II.A of the Permit.

3. Part III.B of the Permit specifies when the Facility must submit DMRs based on whether the Facility submits on paper or electronically through NetDMR.

Part III.B.1.a of the Permit states, in part, "Monitoring data must be submitted using the DMR form (EPA No. 3320-1) or equivalent and must be postmarked by the 10th day of the month following the completed reporting period."

Part III.B.2.a of the Permit states, in part, "Monitoring data must be submitted electronically to EPA no later than the 10th of the month following the completed reporting period. All reports required under this permit must be submitted to EPA as a legible electronic attachment to the DMR.

Upon review of administrative files from October 2011, through September 2016, EPA discovered that the Facility either did not submit a number of DMRs or did not report all parameters on the DMRs. The Facility did not submit four DMRs during the reviewed period. The Facility submitted five DMRs with missing parameters. Failure to submit DMRs, or complete DMRs, is a violation of Part III.B of the Permit. A list of specific violations is enclosed (Enclosure A).

On December 21, 2015, the NPDES Electronic Reporting Rule became effective. Permittees with a DMR requirement have until December 21, 2016, to submit DMRs through NetDMR. A review of EPA records indicate that the City has submitted a request, and been approved for, electronic submission of DMRs. Please ensure that the Facility begins electronic submission by the deadline. Additional information is enclosed (Enclosure B).

4. Part III.B.2 of the Permit states, in part, "Monitoring data must be submitted electronically to EPA no later than the 20th of the month following the completed reporting period. All reports required under this permit must be submitted to EPA as a legible electronic attachment to the DMR."

Upon review of administrative files from July 2011, through August 2016, EPA discovered that the Facility was late in submitting the total residual chlorine parameter for the monitoring period of February 2016. The parameter was due by March 20, 2016, but EPA did not receive the data until June 23, 2016. This is a violation of Part III.B.2 of the Permit.

MARCH 2016 INSPECTION

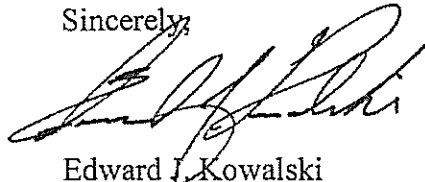
Part II.D.1.c of the Permit states the Emergency Response and Notification Plan (ERNP) at a minimum must include mechanisms to “ensure immediate notification to the public, health agencies, and other affected public entities (including public water systems). The overflow response plan must identify the public health and other officials who will receive immediate notification;”

At the time of the inspection, the inspector noted that the ERNP lacked the section specifying public notification procedures in the event of a spill. Failure to maintain a complete ERNP is a violation of Part II.D.1.c of the Permit.

Although our goal is to ensure NPDES facilities comply fully with their permits, the ultimate responsibility rests with the permittee. As such, I want to strongly encourage you to continue your efforts to maintain full knowledge of the Permit requirements, and other appropriate statutes, and to respond appropriately to ensure compliance. Notwithstanding your response to this letter, EPA retains all rights to pursue enforcement actions to address these and any other violations.

If you have any questions concerning this matter, please call Raymond Andrews of my staff at (206) 553-4252.

Sincerely,



Edward L. Kowalski
Director

Enclosures

cc w/enc: Mr. Tyler Fortunati
Idaho Department of Environmental Quality

Mr. Paul Sifford
Lead Operator, City of Plummer WWTP

cc w/o encl: Mr. Daniel Redline
IDEQ, Coeur d'Alene Regional Administrator

Enclosure A
DMR Violations